

IN THE SENATE

SENATE BILL NO. 1184

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE COMMISSION FOR REAPPORTIONMENT; AMENDING SECTION 72-1502, IDAHO CODE, TO PROVIDE THAT A PERSON WHO HAS SERVED ON A COMMISSION FOR REAPPORTIONMENT SHALL BE PRECLUDED FROM SERVING ON A FUTURE COMMISSION FOR REAPPORTIONMENT UNLESS THE COMMISSION IS RECONSTITUTED BECAUSE A COURT OF COMPETENT JURISDICTION HAS INVALIDATED A PLAN OF THE COMMISSION AND THE COMMISSION IS REQUIRED TO MEET TO COMPLETE A REAPPORTIONMENT OR REDISTRICTING PLAN AND TO CLARIFY THE DATE OF APPLICATION ON THE LIMITATION; AMENDING SECTION 72-1506, IDAHO CODE, TO REVISE CRITERIA FOR REAPPORTIONMENT OR REDISTRICTING PLANS; AND PROVIDING SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 72-1502, Idaho Code, be, and the same is hereby amended to read as follows:

72-1502. MEMBERS. The president pro tempore of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives shall each designate one (1) member of the commission and the state chairmen of the two (2) largest political parties, determined by the vote cast for governor in the last gubernatorial election, shall each designate one (1) member of the commission. Appointing authorities should give consideration to achieving geographic representation in appointments to the commission. If an appointing authority does not select the members within fifteen (15) calendar days following the secretary of state's order to form the commission, such members shall be appointed by the supreme court.

Should a vacancy on the commission occur during the tenure of a commission, the secretary of state shall issue an order officially recognizing such vacancy. The vacancy shall be filled by the original appointing authority within fifteen (15) days of the order. Should the original appointing authority fail to make the appointment within fifteen (15) days, the vacancy shall be filled by the supreme court.

No person may serve on the commission who:

(1) Is not a registered voter of the state at the time of selection; or
(2) Is or has been within one (1) year a registered lobbyist; or
(3) Is or has been within two (2) years prior to selection an elected official or elected legislative district, county or state party officer. The provisions of this subsection do not apply to the office of precinct committee person.

A person who has served on a commission for reapportionment shall be precluded from serving in either house of the legislature for five (5) years following such service on the commission and shall be precluded from serving on a future commission for reapportionment

1 unless the commission is reconstituted because a court of competent jurisdiction has
 2 invalidated a plan of the commission and the commission is required to meet to complete a
 3 reapportionment or redistricting plan. This limitation on serving on a future commission for
 4 reapportionment shall apply on and after January 1, 2001.

5 SECTION 2. That Section 72-1506, Idaho Code, be, and the same is hereby amended to
 6 read as follows:

7 72-1506. CRITERIA GOVERNING PLANS. Congressional and legislative redistricting
 8 plans considered by the commission, and plans adopted by the commission, shall be governed
 9 by the following criteria:

10 (1) The total state population as reported by the U.S. census bureau, and the population
 11 of subunits determined therefrom, shall be exclusive permissible data.

12 (2) To the maximum extent possible, districts shall preserve traditional neighborhoods
 13 and local communities of interest.

14 (3) Districts shall be substantially equal in population and should seek to comply with all
 15 applicable federal standards and statutes.

16 (4) To the maximum extent possible, the plan should avoid drawing districts that are
 17 oddly shaped.

18 (5) Division of counties ~~should~~ shall be avoided whenever possible. ~~Counties should~~
 19 ~~be divided into districts not wholly contained within that county only to the extent reasonably~~
 20 ~~necessary to meet the requirements of the equal population principle.~~ In the event that a county
 21 must be divided, the number of such divisions, per county, should be kept to a minimum.

22 (6) To the extent that counties must be divided to create districts, such districts shall be
 23 composed of contiguous counties.

24 (7) District boundaries ~~should~~ shall retain, ~~as far as practicable,~~ the local voting precinct
 25 boundary lines to the extent those lines comply with the provisions of section 34-306, Idaho
 26 Code. When the commission determines, by an affirmative vote of at least five (5) members
 27 recorded in its minutes, that it cannot complete its duties for a legislative district by fully
 28 complying with the provisions of this subsection, this subsection shall not apply to the
 29 commission or legislative redistricting plan it shall adopt.

30 (8) Counties shall not be divided to protect a particular political party or a particular
 31 incumbent.

32 (9) When a legislative district contains more than one (1) county or a portion of a
 33 county, the counties or portion of a county in the district shall be directly connected by roads
 34 and highways which are designated as part of the interstate highway system, the United
 35 States highway system or the state highway system. When the commission determines, by an
 36 affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its
 37 duties for a legislative district by fully complying with the provisions of this subsection, this
 38 subsection shall not apply to the commission or legislative redistricting plan it shall adopt.

39 SECTION 3. The provisions of this act are hereby declared to be severable and if any
 40 provision of this act or the application of such provision to any person or circumstance is
 41 declared invalid for any reason, such declaration shall not affect the validity of the remaining
 42 portions of this act.